(3)

cfosr

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 589 /2003

PETITIONER : Arvind Kumar Sahu, S/o Bahatar Lal Sahu, aged 34 years, Occupation – Sarpanch, Gram Panchayat Godhna, R/o Village Godhna-Sheorinarayan, District Janjgir-Champa (C.G.).

-VERSUS-

RESPONDENTS :

1. State of Chhattisgarh through Secretary, Department of Panchayat & Rural Development, D.K.S.Bhavan, Raipur (C.G.).
2. Collector, Janjgir-Champa (C.G.).
3. Deputy Director (Panchayat), Janjgir-Champa (C.G.).
4. Up-Sarpanch, Gram Panchayat Godhna, District Janjgir-Champa (C.G.).

P. R. No. 443/03
Presented by Shri Shiv Kumar Sinha
dated 03.03.03

WRIT UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

(62)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 589/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: Hon'ble Justice K. H. N. Kuranga, C.J.
& Hon'ble Justice L. C. Bhadoo, J.
15/10/2003

Petitioner by Shri Rajeev Shrivastava, Advocate.

Respondents No. 1, 2 and 3 by Shri Sunil Sinha, Additional Advocate General.

Respondent No.4 by Shri Prateek Sharma, Advocate.

By this writ petition under Articles 226/227 of the Constitution of India the petitioner has challenged the constitutional validity and the vires of Section 36 (1)(m) of the Chhattisgarh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (for short 'the Adhiniyam) which lays down that no person shall be eligible to be an office-bearer of the Panchayat who has more than two living children one of whom is born on or after 26th day of January, 2001. The challenge to the above clause does not survive in view of the law laid down by the Hon'ble Apex Court in the case of **Javed and others Vs. State of Haryana and others reported in 2003 AIR SCW 3892** and also in view of the order passed by this Court in the case of **Yashwant Kumar Sahu Vs. State of Chhattisgarh and another passed in Writ Petition No. 463 of 2002**. on 12.09.03

[पीछे देखिये

(63)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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	The petitioner has also challenged the order of removal passed by the Collector, Janjgir Champa dated 4th February 2003. The petitioner has efficacious alternative remedy to file an appeal before the Director of Panchayat on the factual grounds against the order passed by the Collector. **In view of the above there is no force in the petition of the petitioner, the same is liable to be dismissed and it is dismissed. However, the petitioner shall be at liberty to file appeal before the Director of Panchayat against the order dated 4th February, 2003 by which he has been declared disqualified to continue as office bearer of the Village Panchayat Godhna, Tehsil- Navagarh, District-Janjgir Champa. The petitioner will be entitled to the benefit of the limitation for the time spent by him in litigating before this Court in this writ proceeding.** **The parties are entitled for certified copy of this order.** **Sd/-** **Chief Justice** **Sd/-** **L.C. Bhadoo** **Judge**	

[पीछे देखिये

28/10

3/11/03